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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 3 OCTOBER 2017

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Present: Councillors Denness (Chair), Savage (Vice-Chair), Barnes-Andrews, Claisse, Hecks, Murphy and Wilkinson

29. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED:** that the minutes for the Panel meeting on 22 August 2017 be approved and signed as a correct record.

30. **PLANNING APPLICATION - 17/00853/FUL - FORMER LOCAL HOUSING OFFICE SITE PORTSMOUTH ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a 3-storey building including basement for use as fast food restaurant with drive thru, landscaping, parking, cycle storage and associated works, following demolition of existing building.

Duncan Gibbs, Dr Paul Spencer (local residents/ objecting) Councillors Houghton and Lewzey (Peartree ward councillors objecting) and Councillors Payne and Hammond (Woolston ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Concern was raised in regard a number to anti-social behaviour, litter and potential for increased traffic congestion and air pollution. Upon being put to the vote the recommendation was lost.

A further motion to refuse to delegate approval to the Service Lead: Planning, Infrastructure and Development for the reasons set out below was then proposed by Councillor Denness and seconded by Councillor Hecks.

**RESOLVED** to refuse planning permission for the reasons set out below:

Reasons for Refusal

1. Crime, Safety and Security

The proposed restaurant/drive thru by reason of its location, within a mixed-use area in close proximity to residential neighbours, and the proposed late night/early morning use will lead to noise, disturbance, anti-social behaviour and other associated crime (public order incidents and assaults) stemming from poor design in terms securing boundary treatment and play space

during operational hours as evidenced by Hampshire Constabulary's formal objection to the planning application. Insufficient information has been submitted as part of the application to demonstrate that on-site management will be able to prevent the aforementioned issues and the Council does not consider that the conditions suggested by Hampshire Constabulary will sufficiently mitigate against the harm caused in this instance. As such the proposal has been assessed as contrary to 'saved' policies SDP1(i), SDP10 and RE17 (i), (ii) and (iv) from the Amended Local Plan Review (2015) and policy CS13(10) of the adopted LDF Amended Core Strategy (2015) as supported by paragraph 69 the National Planning Policy Framework (2012).

## 2. Overdevelopment of the site and Impact on Character

Due to the proposed building's footprint, layout and associated operational activity the application has been assessed as an overdevelopment of the site that would result in the loss of the existing mature boundary trees on site without adequate replacement demonstrated thereby significantly harming the character of the area, which is currently characterised by these mature trees. Therefore the scheme is deemed contrary to 'saved' policies SDP1(i), SDP7 and SDP12 of the Amended Local Plan Review (2015) and policies CS13 and CS22 of the adopted LDF Amended Core Strategy (2015).

## 3. Air Quality

The applicant has failed to demonstrate that the increase in trips to and from the site will not contribute further to air quality problems within the vicinity of the site due to the increase in congestion that will occur, in addition to that already experienced at the toll bridge, particularly at peak times, and caused by queuing at the drive through associated with the proposed use of the site. The anticipated reduction in air quality would adversely affect the users of the proposed site and its play area, and nearby residential properties. The situation is heightened further by the removal of many of the existing trees on site without an agreed planting mitigation strategy. As such the proposal is contrary to 'saved' policies SDP1(i), SDP12 and SDP15 of the Amended Local Plan Review (2015) and policies CS13, CS18, CS20 and CS22 of the adopted LDF Amended Core Strategy (2015).

## 4. Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- a. Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);

- b. In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- c. In the absence of Submission and implementation of a Staff Travel Plan.
- d. In the absence of a mechanism for securing the submission and implementation of a Servicing and Waste Management Plan.
- e. In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- f. Off site contributions to mitigate the loss of trees on 2 for 1 basis where it is considered necessary to provide off site replacements due to site constraints on available space for planting. This would be assessed following the submission of a tree replacement plan. These contributions are as required by saved policies SDP1, SDP12 of the Local Plan Review (2015) and CS22 of the Core Strategy (2015) as supported by the relevant paragraphs of section 4.8 of the Residential Design Guide SPD (2006).xii.
- g. In the absence of a mechanism for securing the submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;

31. **PLANNING APPLICATION - 17/01260/NMA - VACANT SITE WEST OF M271 TEST LANE**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Non Material Amendment sought to planning permission ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 7 to 18 (18 as originally approved ref: 14/01911/FUL) and to include concrete frames on units 1, 2 and 3

Denise Wyatt, Mr Smith (local residents objecting), Mr Thomas (agent), and Councillor Pope (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Barnes-Andrews,  
Claisse, Hecks, Murphy and Savage

AGAINST: Councillor Wilkinson

**RESOLVED** that the Panel confirmed that there was no object to the Non Material Amendment and conditional approved the changes.

32. **PLANNING APPLICATION - 17/00713/FUL - LAND TO THE REAR OF 111 ROWNHAMS ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a two storey detached 3 bedroom dwelling with associated parking, cycle and refuse storage and access from Dolton Road.

Councillor Pope (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported amendments were required to any number of conditions. The Panel requested that access to the garden at the rear be included within the boundary condition.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

**RESOLVED** that the Panel:

- (i) Delegate to the Service Lead – Planning, Infrastructure & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure:
  - a. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) That the Service Lead – Planning, Infrastructure & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure & Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 111 or Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

## **AMENDED CONDITIONS**

### **07. Boundary Treatment**

Before the first occupation of the development hereby approved, the boundary treatment for the site and other means of enclosure shall be erected in accordance with the approved plans. This shall include the provision of a secure gated route to the rear of 111 Rownhams Road and the insertion of a secured gate to allow side access to the rear garden of the dwelling. The means of enclosures details shall thereafter be retained and maintained as approved.

REASON: In the interests of the visual amenities of the area, highways safety, and to protect the amenities and privacy of the occupiers of adjoining property.

### **10. Refuse & Recycling**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans and shall thereafter be maintained and retained. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the approved store for the dwelling and the bins serving the flat and commercial unit shall not be kept within the gated route to the rear of 111 Rownhams Road or the frontage of Dolton Road.

REASON: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

### **19. Parking**

The parking, access, and pedestrian sightlines (including the lowering of the existing close boarded fence to 600mm on the southern boundary) shall be provided in accordance with the plans before the development first comes into occupation and thereafter retained as approved.

REASON: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.